

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

Monday, July 14, 2008

7:00 p.m. Call To Order

I. APPROVAL OF MINUTES

June 23, 2008

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

08 – 101. To hear a report from the Fire Chief re: emergency drill @ the Cumberland Fairgrounds in September.

08 – 102. To set a Public Hearing date (*July 28th*) to award a contract to A.H. Grover for the Route 100 waterline extension project.

08 – 103. To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for the Cumberland Fair, *September 21 – 27, 2008 @* the Cumberland Fairgrounds.

08 – 104. To hold a Public Hearing to consider and act on award of a \$3.3 million dollar Tax Anticipation Note.

08 – 105. To accept renewal of Commercial Hauler's Licenses for FY'09.

08 – 106. To set a Public Hearing date (*July 28th*) to authorize the increase of sewer user fees as recommended by the Town Manager.

08 – 107. To set a Public Hearing date (*July 28th*) to consider and act on a Mass Gathering Permit for the 2008 Maine Pumpkin Festival to be held at the Cumberland Fairgrounds

September 30 – October 4, 2008.

V. NEW BUSINESS

Council Pictures *August 11th*

VI. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, JUNE 23, 2008

6:00 p.m. Workshop

7:00 p.m. Call To Order

Present: Chairman Turner, Councilors Copp, Perfetti, Storey-King, Porter, Stiles and Moriarty.

6:00 p.m. WORKSHOP re: Rescue Department Defibrillator Training

I. APPROVAL OF MINUTES

June 16, 2008

Motion by Councilor Porter, seconded by Councilor Stiles, to approve the minutes as presented.

VOTE: UNANIMOUS PASSAGE 7-0

II. MANAGER'S REPORT

- Thank you card received from Don and Cheryl Buxbaum for death of grandson Justin Buxbaum.
- Mike Hurley, former Val Halla Golf Pro, passed away last week.
- Turkey Lane bridge repair letters are being mailed tomorrow; however, the contractor showed up today. Manager contacted some of the landowners to apologize. The bridge washed out many years ago and became a snowmobile bridge. These repairs will "give(s) us a stamp in time" for future repairs and/or expansion. He does not see a change in council policy regarding blocking the road to vehicular traffic. Councilor Porter asked about the removal of the berms. They give you the "impression that you are not supposed to go forward." The Manager stated he would consider replacement by something similar to a split rail fence. "I want people to know they can use that." The Manager is concerned only with the enforcement of the non-vehicular use. "It's a long distance...out of sight out of mind," recommending a sign and barrier.

III. PUBLIC DISCUSSION

None.

IV. LEGISLATION AND POLICY

08 – 093 Rescue Department presentation and swearing in of Officers: Peter Volk, Deputy Rescue Chief; John Wallace, Captain; Amy Baker, Captain; Tim Nangle, Captain; Evariste Bernier, Captain.

The Manager introduced Rescue Chief Chris Bolduc who explained Lance Dow, Rescue Deputy Chief for 27 years recently resigned from the department. The Regional Program has developed from its infancy stage to a 21 paramedic force performing 6700 calls. Three paramedics received promotions in the department. Peter Volk is promoted to Deputy Chief. Peter has been with the Rescue Department for 16 years, beginning as a high school graduate. He has assisted with Rescue One and also serves as a Cumberland Police Officer.

Rescue Chief Bolduc presented a short video presentation created by the department as a recruitment effort. “It is our hope that other residents within the town will contact us to be a part of our team.” Chairman Turner commended the Chief and department for the excellent presentation. Chairman Turner also recognized Councilor Stiles and Terry McKenney for their many years of dedicated service. Councilor Porter congratulated Chief Bolduc for all the efforts he has put forth in regional program. “It’s nice to see your perseverance paid off...” for Cumberland residents and our neighboring residents. Councilor Storey-King thanked the Chief for dedicating the video to Susan Grover and added the regional program “gives a familiar face in a time of crisis.”

08 – 094 To consider and act on establishing a charge for the Cool Cities Committee.

The Town Manager requested the council establish direction for the Cool Cities Committee, and offered four components to the charge:

1. Reduce the carbon footprint and emissions for the Town of Cumberland;
2. Explore, inventory and recommend policies to the Town Council for energy savings and efficiencies;
3. Work with surrounding communities to collaborate on regional energy savings and carbon reduction and emissions; and
4. Explore life-cycle costs for recommended policies or initiatives, including pay-back costs.

Staff liaison and Finance Director, Alex Kimball, commented that the committee appreciates direction from the council which would allow the committee to “narrow down” the broad scope before the committee. Councilor Porter urged the committee not to feel restrained by these four bullets and asked that we “possibly look into speeding up the timeframe and how often this committee meets” in order to implement changes that will benefit the town.

In response to Councilor Storey-King’s inquiry regarding funds for energy consultants, Town Manager Shane replied, “We’ll find the resources.” Chairman Turner is “not as enamored” with expanding the purview of this committee. He has no reservation with measures to reduce our carbon foot print; however, a more global view by the committee is necessary. Councilor Porter clarified that his comments were addressed to local measures, but does support “anything we can do to speed up the process” to economize town expenditures. “This now needs to be part of the lexicon” of this community’s purchases. Councilor Perfetti believes “some shape” is important for a committee and will help spur creativity. The four points provide sufficient guidance.

Motion by Councilor Porter, seconded by Councilor Moriarty, to adopt the charge (as proposed by the Town Manager) for the Cool Cities Committee.

VOTE: UNANIMOUS PASSAGE 7-0

08 – 095 To hold a Public Hearing to authorize the Town Manager to submit a grant application for testing wind generation capabilities at the town garage site.

This application seeks funds for a wind turbine site survey. The site survey provides qualified applicants with a preliminary assessment of the potential for wind generation at a specific site, including average wind speed and expected capacity factory. The goal of the wind site survey is to assist applicants to determine if sites are appropriate for a wind project. Eligible participants include maine-based schools, communities, non-profit organizations and businesses. Residential applications are not eligible.

Councilor Moriarty suggested the landfill area as “a great site” and questioned whether a tower could be placed at that site. The Manager indicated we could not “penetrate the cap” and the turbine anchors may violate that prohibition, but suggested that blocks may be a possibility. Councilor Porter felt the Doane property was a higher site and does not believe “it helps our application”

The Manager recommended additional motion language which states the town council authorizes no future funding obligation with this approval. This recommendation came after recent conversations with the South Portland and Saco City Managers. Councilor Porter did not support this addition, stating it does not “help our application. If we can find enough wind, we should be putting in that windmill.” Chairman Turner agreed. Councilor Stiles favors the additional language. Councilor Moriarty added, “while they’re valid, they’re a little on the technical side and they don’t concern me at all.”

Cool Cities Committee member Paul Weiss expressed understanding of the council’s concerns, but suggested a timely application is important. The application is ranked on several bases and one is “commitment to the project. It’s more of a show of financial viability; proving to the grant committee that you have a legitimate financial interest ... as a possibility for your project.” He does not believe a financial commitment is implied. “They’re trying to make it equal” among communities.

Councilor Storey-King pointed out that the scoring component indicates the project would not go forward without this grant. “If you fail that category you’re ineligible.” Mr. White suggested there are funding sources other than the municipality. Councilor Storey-King does not believe a commitment is suggested in the RFP. “There are a lot of levels there.” She asked about the tower at the end of Range Way suggesting we add a wind monitor there, and asked whether there is potential power in other places in the community. Councilor Copp supports the project and indicated the garage site was chosen because we thought we might power the garage. Councilor Porter concurred there was not much time “to pull this together. There are plenty of places in the Town of Cumberland that we don’t control and have land or more wind than we’re currently contemplating.”

Councilor Porter moved, seconded by Councilor Moriarty to authorize the Town Manager to submit a grant application for testing wind generation capabilities at the town garage site and the landfill and the Doane Property.

VOTE: PASSAGE 6-1 (Councilor Stiles opposed)

08 – 096 To consider and act on request by Time Warner Cable for Resolution supporting its spin-off from Time Warner, Inc.

The Town Manager explained Attorney Cole has reviewed this Resolution, suggesting “no harm, no foul.” Time Warner feels they can be “more effective and more responsive to their customers” through a divestiture of its cable television franchise. Chairman Turner added that Time Warner is moving forward with the spin-off regardless of the town’s position on the Resolution.

Following up on the Chairman’s remarks, Councilor Porter stated “They don’t need it ... I don’t understand what we gain from signing off on this. It feels like a feel good resolution. I don’t see why they need this.” Agreeing with Councilor Porter, Councilor Storey-King added it is not “good public policy to be meddling in private shareholders business.” Councilor Stiles doesn’t “see the point in it.” Councilor Perfetti asked the Manager whether there is an impact on the way in which Time Warner will deliver services in the Town of Cumberland. The Manager

stated passage of this Resolution will not change the contract or delivery. "It's just a good relationship" gesture. "I don't think there's anything bad that will come out of it." Councilor Moriarty believes it "doesn't really make much difference" in what we do one way or another. "This is a coin toss. I would resolve the conflict in favor of supporting it. I'm puzzled that we're asked to do this since it's going to happen anyway, but there 's no reason to vote no."

Motion by Councilor Copp, seconded by Councilor Moriarty, to authorize the signing of a resolution for Time Warner Cable supporting its spin-off from Time Warner, Inc.

VOTE: FAILED 3-4 (Councilors Storey-King, Porter, Stiles, Perfetti opposed)

08 – 097 To hold a Public Hearing to authorize the Town Manager to transfer inter-departmental operating funds.

This is an annual transfer within operating accounts that requires council approval. Councilor Stiles explained "we are cleaning up the books" and we "thankfully have some excess monies which we would like to allocate for the next fiscal year." Those include \$100,000 for the Senior Circuit Breaker Fund and \$15,000 for the PROP fund.

Questions ensued regarding the current year's allocation for the Senior Circuit Breaker Fund. Councilor Stiles explained approximately \$20,000 was spent this year and those funds were taken from the overlay. Action this evening will fund \$100,000 "so it moves forward at that balance." The Manager informed the council they will receive a request in the fall to expend these funds. "All we're doing is saying...that's how much we're looking at right now. This doesn't preclude or require us to spend this money. This says set it aside here until we decide what we want to do with our funds."

Motion by Councilor Stiles, seconded by Councilor Storey-King, to authorize the Town Manager to transfer FY 2008 inter-departmental operating funds and designate \$100,000 to the Senior Citizen Circuit Breaker Fund Reserve and \$15,000 to the PROP Winter Heating Assistance Reserve.

VOTE: UNANIMOUS PASSAGE 7-0

08 – 098 To hold a Public Hearing to consider and act on annual Victualer's Licenses for the period of July 2008 – July 2009.

The Manager requested approval of the annual licenses, pending final inspections.

Motion by Councilor Perfetti, seconded by Councilor Copp, to approve the annual Victualer's licenses for the period July 2008-July 2009 as presented, pending final inspections.

VOTE: UNANIMOUS PASSAGE 7—0

08 – 099 To hold a Public Hearing to consider and act on a recommendation from the Planning Board re: setback requirement changes to the Val Halla Overlay District.

TABLED to 07/28/08

The Planning Board requests the council consider adding language to establish a minimum lot size to the Overlay District.

Motion by Councilor Stiles, seconded by Councilor Perfetti to Table the item to July 28, 2008.

VOTE: UNANIMOUS PASSAGE 7-0

08 – 100 To hold a Public Hearing to consider and act on award of a \$3.3 million dollar Tax Anticipation Note. TABLED to 07/14/08

Motion by Councilor Moriarty, seconded by Councilor Stiles, to table this item.

VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS

Councilor Copp – thanked the Rescue Dept for the AED training; very good information to have.

Councilor Perfetti – none

Councilor Storey-King – informal update on school consolidation - Superintendents will be meeting with the Commissioner of Education to consider an alternative plan for Falmouth; the Commissioner did approve an alternative plan for the town of York; only 20% of the population in Falmouth have children in the Falmouth schools; she supports consolidation for Cumberland because it's fiscally responsible and a long term look at sustainability; extended congratulations to Becky O'Brien as the new national shot put champion; a throw of 52 feet and a few inches; Becky also missed a national championship in the discus by three inches.

Councilor Porter – a strong group of people in Falmouth that want to kill the school consolidation; the Main Street flags are a huge success and suggested extending them down to the Library and later perhaps considering extension to Sweetser's and the Drowne Road School; suggested also consideration of flags on Route 100; positive comments regarding Channel 2.

Chairman Turner – Route 88 Pedestrian Access Committee is meeting Wednesday at 7; Shellfish Thursday at 6:00; Range Road public meeting Monday night June 30th at 7 pm will be televised; request from Planning Board regarding giving them more flexibility with signage requirements in the VOC and other Route 100 issues.

Councilor Moriarty stated the existing language was included by oversight creating an unintended distinction between these two districts. We need to add flexibility into the mix. They will recommend the zoning changes. Councilor Porter questioned whether we want to send this to the Planning Board without any direction. The Manager said the request came from a member of the Planning Board who discovered the distinctions. Councilor Moriarty and the Town Manager will recommend the VCC brought in line with the VOC in this regard.

Councilor Moriarty moved, seconded by Councilor Stiles, to refer the issue of modification of the parking requirements for the VCC and the four signage requirements of the VCC to the Planning Board for recommendation.

VOTE: UNANIMOUS PASSAGE 7-0

Councilor Stiles – congratulated his grandson who plays on the little league team, White Sox, for their recent championship title; referenced receipt by the council of a letter regarding monies owed to the SAD in the amount of \$852,746.52 on July 8th and each month thereafter; roughly \$10 million over the next year.

Councilor Moriarty – none

Town Manager – met with the coastal Waters Commission who plan to return to the council in July or August for further ordinance changes; requested the councilor liaison to the Coastal Waters and Shellfish Conservation committees be the same person; AH Grover is low bidder on the Route 100 water line work; contract before the council in August; PROP and GA assistance is available at town hall; a PROP representative is present once a week and applications are available through town staff at other times.

At this time, the council reviewed the annual committee liaison appointments, and approved the following appointments:

Greater Portland Council of Government - Councilor Porter
Nominating Committee - Councilors Porter and Moriarty, and Chairman Turner
Prince Memorial Library Advisory Board - Councilor Moriarty
Recreation/Community Education Advisory Board - Councilors Perfetti and Storey-King
ECOMaine (RWS) - Susan McGinty; Alternate - Town Manager Shane
Val Halla Board of Trustees - Councilor Stiles
Board of Appeals - Chairman Turner
Conservation Commission - Councilor Moriarty
Planning Board - Councilor Moriarty
Housing Authority - Councilors Stiles and Perfetti
Rines Forest Committee - Councilors Moriarty and Porter
Route 88 Pedestrian & Bike Committee - Councilors Turner and Copp
Comprehensive Plan Committee - Councilors Porter and Storey-King, and Chairman Turner
Twin Brook Advisory Committee - Councilors Moriarty and Porter
Doane Property Development - Councilors Copp, Perfetti and Porter
TIF Committee - Councilors Turner, Stiles and Porter
Cool Cities Committee - Councilors Porter and Copp
Coastal Waters Commission - Chairman Turner
Shellfish Conservation Commission - Chairman Turner
Falmouth/Cumberland Chamber of Commerce - Chairman Turner
Regionalization Committee - Councilors Stiles and Storey-King
Circuit Breaker Committee - Councilors Stiles, Storey-King and Copp

Councilor Porter moved, seconded by Councilor Copp, to add the Circuit Breaker Committee as a standing committee.

VOTE: UNANIMOUS PASSAGE 7-0

Councilor Moriarty moved, seconded by Councilor Stiles, to move the slate as amended.

VOTE: UNANIMOUS PASSAGE 7-0

VI. ADJOURNMENT

Motion by Councilor Porter, seconded by Councilor Stiles to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 9:10 pm

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk